

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 161/2014

[2015] SCSC 33

MR. BAGGY MORET HERTEL

Petitioner

versus

MRS. ELEANOR ESPINO HERTEL (BORN PADUA)

Respondent

Heard: 4 February 2015

Counsel: Petitioner – Present

Respondent – Present

Delivered: 4 February 2015

JUDGMENT

D. Karunakaran, Ag Chief Justice

[1] This is a petition for divorce. The Petitioner Baggy Moret Hertel has applied to this Court for a dissolution of his marriage on the ground that the Respondent has behaved in such a way that he cannot continue to live in marriage with the Respondent. The Respondent who present in Court this morning informed that she was not contesting the petition. Therefore the Court granted leave for the Petitioner to proceed with an ex-parte hearing in this matter.

- [2] In a nutshell the Petitioner testified that he lawfully married the Respondent in Seychelles on the 4th July 2000. After the marriage the parties lived and cohabited at St. Louis, Mahe. Both parties are Seychellois nationals, domiciled and resident in Seychelles. There is one child born of the marriage namely, Jhoy Princess Hertel aged 12 years, born on the 10th of June 2002. The Petitioner also testified that there has been no previous Court proceeding in respect of the said marriage. Moreover, the Petitioner testified that the marriage has irretrievably broken down because of the unreasonable behaviour on the part of the Respondent. In the circumstances the Petitioner seeks this Court for a dissolution of his marriage.
- [3] On the strength of the uncontroverted evidence adduced by the Petitioner ex-parte in this matter, I am satisfied that the marriage has irretrievably broken down because of unreasonable behaviour on the part of the Respondent. In the circumstances, I find it just and necessary that the marriage should be dissolved and I do so accordingly.
- [4] WHEREFORE, I hereby dissolve the marriage of the parties and grant a conditional order of divorce, which may be made absolute after the expiry of six weeks from the date hereof.
- [5] The petition is granted accordingly.

Signed, dated and delivered at Ile du Port on 4 February 2015

D Karunakaran
Acting Chief Justice